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SENATE BILL 30

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Carlos R. Cisneros

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING A NEW SECTION OF THE ENVIRONMENTAL IMPROVEMENT ACT TO PROVIDE FOR ASSISTANCE TO INDIGENT PERSONS TO REPLACE SUBSTANDARD LIQUID WASTE DISPOSAL SYSTEMS; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Environmental Improvement Act is enacted to read:

"[NEW MATERIAL] LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE FUND--CREATED--PURPOSE.--

A. The "liquid waste disposal system assistance fund" is created in the state treasury. The department shall administer the fund. The fund is composed of appropriations, donations and transfers of money earned from investment of the fund and otherwise accruing to the fund. Balances remaining in

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1 the fund at the end of a fiscal year shall remain to the credit  
2 of the fund. Disbursements from the fund shall be drawn on  
3 warrant of the secretary of finance and administration pursuant  
4 to vouchers signed by the secretary of environment or the  
5 secretary's authorized representative. Money in the fund is  
6 appropriated to the department for the sole purpose of  
7 assisting indigent individuals or households that qualify for  
8 funding to accomplish one of the following purposes where there  
9 is a real or potential negative impact to public health or  
10 water quality from on-site liquid waste disposal system  
11 effluent:

12 (1) to pay for a liquid waste disposal system  
13 to replace a cesspool or other failed or improper on-site  
14 liquid waste disposal system;

15 (2) to purchase, install or maintain an  
16 advanced treatment system as required by the Environmental  
17 Improvement Act or regulations issued pursuant to that act;

18 (3) to pay for the decommissioning and removal  
19 of a cesspool or other failed or improper on-site liquid waste  
20 disposal system; or

21 (4) to pay for all or a portion of the  
22 connection fees in order to connect an individual or household  
23 to a centralized wastewater collection and treatment system.

24 B. Construction activities sponsored by the fund  
25 shall be performed by licensed contractors selected through

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1 competitive bid by the department and shall be managed by the  
2 department.

3 C. No more than ten percent of the fund shall be  
4 used by the department on an annual basis to pay for the  
5 department costs associated with management and implementation  
6 of fund activities.

7 D. As used in this section:

8 (1) "advanced treatment system" means an on-  
9 site liquid wastewater treatment system that removes a greater  
10 amount of contaminants than is accomplished by a primary  
11 treatment system;

12 (2) "connection fee" means the fee paid  
13 directly to a public water or wastewater system or other  
14 wastewater management organization and does not include other  
15 fees, such as legal fees, related to connecting an individual  
16 or household to a centralized wastewater collection and  
17 treatment system; and

18 (3) "indigent individuals or households" means  
19 individuals or households whose annual incomes meet the  
20 criteria established by the department."

21 Section 2. APPROPRIATION--Four million dollars  
22 (\$4,000,000) is appropriated from the general fund to the  
23 liquid waste disposal system assistance fund for expenditure in  
24 fiscal year 2010 and subsequent fiscal years to provide for  
25 assistance to indigent persons to replace substandard liquid

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1 waste disposal systems. Any unexpended or unencumbered balance  
2 remaining at the end of a fiscal year shall not revert to the  
3 general fund.

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